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21 May 2002

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Level 21
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SYDNEY NSW 2000

Your Ref : 30740AUP00

Examiner's first report on patent application no. 56188/99
by PAPST-MOTOREN GMBH & CO. KG

Last proposed amendment no. 1

Dear Madam/Sir,

I am replying to the request for examination. I have based this report on the verified translation and the statement of proposed amendments under S104 of 25 September 2001. I have examined the application and I believe that there are lawful grounds of objection to the application. These grounds of objection are:

1. The application is not for a manner of new manufacture within the meaning of Sub-section 18(1) of the Patents Act. In claims 1-69 all that is defined is a **collocation** of known components. I do not see any new or improved result arising from any working inter-relationship between these components.
2. The specification does not fully describe the invention. Many aspects of the invention are described. It is not clear what combination of features described in these aspects represent the inventive concept.
3. When I consider all of the claims together, I cannot understand the scope of the monopoly being claimed because it is not readily clear what combination of integers defines the invention or what the unifying concept is. This is because different claims have different combinations of integers.
4. Furthermore the claims are not fairly based because each of the independent claims do not include all of the features of the various aspects which are stated as characterising the invention in the description. Each independent claim must define all the essential features of the invention.
5. The specification does not comply with Section 40(4). The claims do not relate to one invention only (or to a group of inventions so linked as to form a single general inventive concept). In assessing whether there is more than one invention claimed, I have given consideration to those features which can be considered to be "special technical features". These are features which potentially distinguish the claimed combination of features from the prior art. Where different claims have different special technical features they define different inventions. I have found that

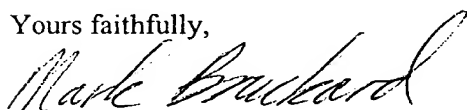
there are several distinct inventions claimed which do not share any consistent special technical features. Therefore a technical relationship between the inventions does not exist. Accordingly the claims do not relate to one invention or to a single inventive concept, a priori.

6. The claimed invention lacks novelty in view of a large number of documents. The art is replete with suggestions and disclosures of at least the independent claims as presently defined. The following documents are provided as examples chosen from many in a well traversed art:

N US 5717297 ✓
N US 5632156 ✓
N DE 3702947 *SCHADEL*
N US 5275012 ✓
N US 4949624 ✓
N EP 0088626 *EP 0088626*
N WO 9715111 *WO 9715111*
N US 4743815 ✓
✓ US 5206572 *FARAG*
N US 4030363 ✓
N US 4831380 ✓

You have 21 months from the date of this report to overcome all my objection(s) otherwise your application will lapse. You will need to pay a fee for any response you file after 12 months from the date of this report.

Yours faithfully,



MARK BRUCKARD
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